

SHOREVIEW PLANNING COMMISSION MEETING MINUTES May 24, 2016

CALL TO ORDER

Chair Doan called the May 24, 2016 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Doan; Commissioners McCool, Peterson, Solomonson, Thompson and Wolfe.

Commissioner Ferrington was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Peterson, seconded by Commissioner Thompson to approve the May 24, 2016 Planning Commission meeting agenda as presented.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Peterson, seconded by Commissioner Solomonson to approve the April 26, 2016 Planning Commission meeting minutes, as presented.

VOTE: **Ayes - 5** **Nays - 0** **Abstain - 1 (Doan)**

Chair Doan abstained, as he did not attend the April 26, 2016 meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle reported that the City Council approved the Midland Terrace application to build a detached garage as recommended by the Planning Commission at the May 2, 2016 Council meeting.

NEW BUSINESS

PUBLIC HEARING – CONDITIONAL USE PERMIT

FILE NO: 2614-16-13
APPLICANT: MATTHEW & RACHEL KAREL
LOCATION: 863 TANGLEWOOD DRIVE

Presentation by Economic Development and Planning Associate Niki Hill

A Conditional Use Permit (CUP) is requested to build a detached garage of 528 square feet. The property is zoned Residential Estate and consists of 1.77 acres. There is a single-family home on the property of 1,388 square feet with an attached garage of 454 square feet. There is also a 400 square foot detached gazebo. The maximum size structure allowed is 440 square feet. The CUP allows review of the application in terms of the Development Code standards and consistency with the Comprehensive Plan. Properties of more than one acre are allowed accessory structures that exceed the maximum size with a CUP. With the proposed detached garage, accessory structures would total 1500 square feet or 100% of the dwelling unit foundation.

The proposed structure would be 43 feet from the east property line, 10 feet from the driveway easement and 104 feet south of the north property line. The purpose is for storage. The new structure will not be in view of any adjacent home or public street and will comply with all height and design standards. The height would be 15 feet with a wall height of 10 feet. The exterior will match the home. Additional landscaping is recommended to reduce the impact along the driveway.

Notices were sent to surrounding property owners regarding this application. One comment was received in support; two comments expressed concern about the impact of the garage on future development.

Staff finds the proposal is consistent with Development Code standards and the Comprehensive Plan. The single-family home remains the primary feature of the property. The size of all accessory structures is less than 100% of the dwelling foundation area. It is recommended the application be forwarded to the City Council for approval.

Commissioner McCool asked for further clarification about future development and future road plan. Ms. Hill stated that at this time there are no plans for subdivision. The property is in a Policy Development Area (PDA), which would trigger particular attention to meeting all standards and requirements should a subdivision be requested. Lakeview Drive is part of a future subdivision.

Commissioner Solomonson asked the reason for the additional landscaping and the reason for the chosen location. Ms. Hill responded that the screening is to lessen impact of the structure to the driveway.

City Attorney stated that all requirements for public notice have been met.

Mr. & Mrs. Karel stated that the reason for the chosen location is to avoid the drain field for the septic system and to take down as few trees as possible. **Mrs. Karel** emphasized that they have no interest in further subdivision and creation of a road.

Commissioner Peterson asked the reason for a larger garage that requires a CUP. **Mrs. Karel** explained that they have a number of ATVs and other vehicles that they would like to keep stored and keep the property neat looking.

Commissioner Wolfe asked if there is a security concern with the garage so far from the home. Further, he asked how close the nearest neighbor is located. **Mr. Karel** responded that the nearest neighbor is 104 feet. The driveway is private and there have been no problems with anyone coming onto their property.

Chair Doan opened the public hearing.

Mr. Bruce Larson, 855 Tanglewood Drive, stated that he has no objection, but he would prefer it in another location, not so far from the house and more in relation to the other buildings. It will be very visible in the winter and not handy to get to. It will also be more disruptive to the woods.

MOTION: by Commissioner McCool, seconded by Commissioner Solomonson to close the public hearing.

VOTE: Ayes - 6 Nays - 0

Commissioner Peterson expressed concern about a larger size than regulation. The City just completed revised regulations for size flexibility with accessory structures, but there is already an application for an exception.

Commissioner McCool noted that this is not a variance but a CUP. With the findings of staff, this application can be granted.

MOTION: by Commissioner Solomonson, seconded by Commissioner McCool to recommend the City Council approve the Conditional Use Permit submitted by Matthew and Rachel Karel, 863 Tanglewood Drive, to construct a 24' x 22', 528 square foot detached accessory structure on their property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the structure shall be compatible with the dwelling.
3. Vegetation and/or screening shall be installed on the east side of the garage to lessen the visual impact adjacent to the driveway easement.
4. A minimum setback of 10-feet is required from the private driveway easement line.
5. The applicant shall obtain a building permit for the structure.
6. The structure shall be used for storage and other garage related purposes.
7. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will be maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE:

Ayes - 6

Nays - 0

PUBLIC HEARING – REZONING, VARIANCE

FILE NO: 2618-16-17

APPLICANT: MAX SEGLER

LOCATION: PID NO. 03-30-23-42-0001, SUNVIEW COURT

Presentation by Senior Planner Rob Warwick

This application seeks to rezone a vacant 5-acre parcel to build a new single-family home with attached garage. The front property line abuts Sunview Court. The property contains wetlands and upland areas and as proposed, the driveway will cross the wetland. The Rice Creek Watershed District (RCWD) has reviewed the proposal and granted conditional approval for the proposed impact to the wetland resulting from driveway construction. RCWD also requires compensatory storm water storage. Creating the storage areas will result in over 2300 square feet of additional disturbed area around the wetland areas.

The Lake Johanna Fire Department commented that the driveway conforms to fire code standards, and no turn-around is required on the property.

The property is currently designated as UND, Urban Underdeveloped District. New or expanded uses in this District require rezoning. The applicant seeks to rezone the property to R-1, Detached Residential District. The property immediately north of the site is zoned R-1. Property on the east, south and west is low and medium density residential. The Comprehensive Plans identifies this property is planned for low density residential development.

A variance is requested for the front setback of the proposed house to be approximately 270 feet from the defined front lot line. The applicant requests a variance that would allow a setback range of 260 to 275 feet for the house. City Code requires front setbacks in residential districts to align houses when viewed from the street. The required front setback for the property has a range from a minimum of 25 feet to a maximum of 40 feet. The applicant states that in order to comply with the City requirement, the house would be placed in the wetland. An increased setback will minimize wetland and vegetation impacts.

The property has 60 feet of frontage on Sunview Court. When Sunview Court was built, the right-of-way was extended to the common property line with the subject property to preserve development potential. The shared frontage with Sunview Court is the only portion of the property that has access to a public street which contributes to the unique circumstances of this property.

The house location minimizes visibility of the residence and is in an open area that minimizes any impact to trees. Existing conifers are mature and over 30 feet in height. These trees provide dense screening for the proposed house location. Two mature spruce trees may need to be removed with construction, but neither exceeds the 16-inch threshold that would require replacement trees.

Staff finds that a single residence on this 5-acre parcel will not alter the character of the neighborhood in light of the dense screening, large setback and the low density development.

Notices were sent to property owners within 350 feet of the subject property. Ten written responses were received. Many respondents believed the subject property was under DNR jurisdiction, however the property has been privately owned by the same family since the early 1960s. There are also concerns that this house will disturb the natural environment and impact views. Staff suggests retaining buffer area in accordance with the Surface Water Management Plan. The applicant has agreed to provide buffers along Sunview Court and Silverthorn Place. The motion presented is revised to reflect the proposed buffers.

Staff recommends the Commission hold the public hearing and forwarding the rezoning application to the City Council for approval, and approval of the variance.

Commissioner Peterson asked if there is concern about the flow of water with the driveway blockage. Mr. Warwick stated that there will be an appropriately sized culvert under the driveway.

Commissioner Solomonson asked the location of the wetland and buildable area on the site. Mr. Warwick referred to the survey to show the location of the wetlands. Commissioner Solomonson further asked if there would be access to the property from Silverthorn that would eliminate impacts to wetlands. Mr. Warwick stated that there is not an area large enough for a driveway with access to a public street. Silverthorn uses a private drive for access to the townhouses in that development.

Commissioner McCool asked if it would be possible to acquire right-of-way from Silverthorn for access. Mr. Warwick responded that is not possible because there is no seller.

Commissioner McCool asked if buffer areas would be required along wetland areas. Mr. Warwick stated that the wetland is extensive. Easements will be required by the City for the compensatory storage areas which amounts to close to three acres of easements.

City Attorney Beck stated that notice requirements for the public hearing have been met.

Chair Doan opened the public hearing.

Mr. Max Segler, 665 Grove Avenue, stated that the culvert is 15 inches to address water flow through the driveway area. Sunview Court provides access for his property. A similar access to his property was not required by the City when Silverthorn Place was built.

Ms. Theresa Lang, 1299 Sunview Court, stated there are 23 homeowners on Sunview Drive and Sunview Court. There are 20 members opposed to the development and 3 are neutral. No one supports it. Opposition is on grounds of the variance that will alter the character of the neighborhood. The street is quiet and the biggest concerns are disturbing the wetland. Who would repair construction damage to the street of Sunview Court is not addressed. There is a fence along the side property line that is 7 feet high with rows of barbed wire on top. Vegetation has taken over, but what will happen once the area is cleared for a house? She has heard there will be a gate, but what will that look like? Her yard is used for snow removal. Where will the snow from the driveway be placed? If snow is pushed into the wetland, what impact will that have? There are no children on Sunview Court. It is a quiet street, and there is concern about additional traffic to the Segler home.

Ms. Maureen Engels, 1330 Sunview Drive, stated that one of the reasons for moving to Sunview Court is that it is very quiet. How will this impact home values? When County Road I was built, a sharp turn was required to go around the wetland instead of a straight connection to Lexington. She asked if an entrance from Lexington has been considered and if it could be considered. It is difficult to understand why a driveway is now being allowed through wetland. Snow is always pushed back to the end of the court. With all the chemicals used, there is concern that it will get into the wetland. There is a lot of wildlife in the neighborhood that no one wants to lose.

Mr. Donald Brazeal, 1291 Sunview Court, stated that the buffer zone to Sunview Court has just been brought up in the last few days. What does it mean? There are mature trees and will they have to come down for the buffer? What will happen to the fence? The setback variance will connect the front yards of Sunview with the applicant's front yard. There is a question of whether the fence will remain. If there is a large gate, that will be an impact. A lot of vegetation will have to be removed to put the driveway in. A lot of questions need to be answered before a decision can be made. If a decision is made, there should be conditions to address the impact of the fence and gate, the impact of what the driveway will look like and the overall impact to this cul-de-sac.

Ms. Maggie Rosine, 5718 Silverthorn Place, stated that she has major concerns about the environment and wetland. With the amount of land being moved, she suggested there should be an Environmental Impact Statement. There is no information about the size of the house that will be surrounded by small, short townhouses. There is access off Lexington through Buffalo Lane, and she does not understand why that route is not being used. There is a big family of wood ducks that are skittish and she does not want to lose them. A single dwelling house so close to townhouses does not seem compatible.

Ms. Eleanor Semanko, 5708 Silverthorn Place, stated that neighbors need to know where the house will be located and what the buffers mean. This has not been made clear.

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to close the public hearing at 8:27 p.m.

Commissioner Peterson asked Mr. Segler to address snow removal and street repair. **Mr. Segler** stated that no chemicals will be used on the driveway that are not used on Sunview Court. The snow will not be pushed into Sunview Court. It will be stored on-site. Mr. Warwick added that any street repair to Sunview Court would occur in the same scheduling process as any other street in the City.

Commissioner Peterson asked if environmental studies will be done. Mr. Warwick stated that for a single home, there is no requirement for an environmental study. **Mr. Segler** noted that within the last 60 days, by requirement of the RCWD, the plan was reviewed by Minnesota Fish and Wildlife, the DNR, and Army Corps of Engineers.

Chair Doan asked if the nonconforming fence must be brought into compliance with this development. Mr. Warwick stated that it cannot be determined if the fence is legally nonconforming because there is no permit history for it. That does not mean the fence was not allowed. It would be appropriate to require a condition of approval to remove the barbed wire. Any condition needs to be tied to the variance requested.

Commissioner McCool expressed his appreciation for the comments from neighbors. The two questions being presented is rezoning to single-family residential and the question of a larger setback. With the driveway through the wetland, the variance is needed. With rezoning, he believes the fence could be made to be in conformance. The barbed wire needs to be removed, but he would not require the fence to be cut two feet to meet City height requirements of 4 feet.

Commissioner Peterson agreed that R1 zoning will have the least impact on the neighborhood and is reasonable. The variance is needed and he supports the proposal.

Commissioner Solomonson stated that the proposed zoning complies with the Comprehensive Plan. The fence is a concern and barbed wire must be removed. Reducing height in front to four feet would be preferable. The variance is necessary with the driveway location.

Commissioner Thompson stated that she agrees with the statements of other Commissioners. The fence is not a concern to her because there has been no concern for many years until this development. She expressed her empathy with the concerns of neighbors especially the wildlife impact. She agreed the variance is necessary to locate the house appropriately.

Commissioner Wolfe agreed that with the fence there 40 years, it would be hard to change it. However, if there were an opening to the land, it would be a nature haven which could be a bonus. This is a good use of property and rezoning to R1 is a good choice.

Chair Doan echoed the statements made, especially Ms. Petrich's statement that another type of zoning would have much more impact. The variance is needed and further removes the house from view of neighbors. In order to make the fence conforming, a good share of vegetation would have to be removed also. Definitely the barbed wire needs to be removed.

Commissioner Solomonson asked if the fence were modified in any way, such as a gate, if it would have to be brought into compliance. City Attorney Beck stated that a nonconforming structure can be replaced as long as it is not expanded. Any expansion would require compliance to current code. A gate would have to comply with City standards, but he would have to look into regulations further to see if the gate would be considered an expansion and impact fence conformity.

MOTION: by Commissioner McCool, seconded by Commissioner Thompson to recommend the City Council approve the Rezoning request submitted by Max Segler for PID No. 03-30-23-42-0001, and to adopt Resolution No. 16-45, approving the variance to increase the front setback to a range with a minimum of 260 feet and a maximum of 275 feet for a new house and attached garage on this vacant 5-acre parcel. This approval is subject to the following conditions with modification to condition No. 4 as written in italics:

1. Approval of the variance is subject to the City Council approving the rezoning request.
2. The project shall conform to the approved plans. The dwelling shall have a minimum 260 foot and maximum 275 foot front setback.
3. Final utility plans are subject to review and approval by the Public Works Director.
4. A Development Agreement, Erosion Control Agreement shall be executed and related securities submitted prior to any work commencing on the site. *The Development Agreement will require removal of the barbed wire surrounding the property.* A Grading Permit is required prior to commencing work on the site.
5. An easement over the delineated wetland area, including areas created for compensatory stormwater storage, and a wetland buffer adjacent to Sunview Court and Silverthorn Place shall be conveyed to the City prior to the issuance of any permits for the project.
6. The landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Trees on the property, which are to remain, shall be protected with construction fencing placed at the tree drip lines prior to grading and excavating. Said plan shall be submitted for review and approval by the City Planner prior to issuance of any permits for the project.
7. This approval will expire after one year if a building permit has not been issued and work commenced.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Housing and Land Use Chapters of the Comprehensive Plan.
2. The proposed house and attached garage represent a reasonable use of the property which is located in the R-1 Detached Residential District.
3. Unique circumstances stem from the size of the property, and the wetland abutting the public street at the front property line. The increased setback minimizes wetland impacts.
4. The new construction will not stand out among the existing residences in the area since the proposed house is setback from the street and well screened by mature trees.

Discussion:

Commissioner Solomonson requested the applicant to consider bringing the fence into compliance if there are opportunities in the future.

VOTE: **AYES - 6** **NAYES - 0**

Chair Doan called a break and reconvened the meeting at 9:09 p.m.

SITE & BUILDING PLAN REVIEW / COMPREHENSIVE SIGN PLAN

FILE NO: 2615-16-14
APPLICANT: NABC (NORTH AMERICAN BANKING) / SIDAL REALTY CORP.
LOCATION: 4XX WEST HIGHWAY 96

Presentation by City Planner Kathleen Castle

The application is to build a 7,377 square foot commercial building on the parcel adjacent to 441 Highway 96, which is the former Rainbow site and now owned by Kowalski's Market. The site consists of 1.5 acres. Easements exist for shared driveways, signage and infrastructure. The application includes a Comprehensive Sign Plan with wall signage for tenants. The parcel is part of the Planned Unit Development (PUD) for the Kowalski's site. The PUD underlying zoning for this site is C1, Retail Service District.

The subject lot has frontage and access off Highway 96. The building is designed for two tenants--a bank and an insurance agency. Exterior materials are brick, stone, metal and glass. These materials complement what is being used for Kowalski's and are consistent with City standards. Parking is planned west of the building. Impervious surface coverage will be reduced with the removal of excess parking area. Impervious surface will decrease from 87% to 68% with more added green space. Parking provided will be 46 stalls which exceeds the required minimum of 32 stalls. One drive-through lane is located east of the building. The site is in Policy Development Area No. 10 which addresses access, traffic circulation and parking. Currently access off Highway 96 is a right-in-right-out only, but it is being converted with the addition of a left inbound turn lane.

The Comprehensive Plan designates the site for commercial use. The City continues to receive comments from residents about the need for a sit-down restaurant in Shoreview. The City's Economic Development Authority (EDA) did commission a restaurant study for this site and other sites. Although efforts were made to attract a restaurant to this site, no offer was received to develop a restaurant. Financial institutions and professional services are permitted uses on the site.

The PUD approved signage for two free standing signs to be located on Village Center Drive and on Highway 96. The signs are designed for space available for commercial tenants. The applicant proposes six wall signs--three per tenant--to be placed on the north, south and west sides of the building walls. Deviations are requested for sign length. Staff finds the proposed signage reasonable due to the orientation of the building and site access. The additional length of the wall signs will not be overbearing.

Property owners within 350 feet were notified of the proposal. No comments were received. No comments were received from the Lake Johanna Fire Department. Ramsey Washington Metro Watershed District has not yet indicated whether a permit will be required. The use and development of the site complies with City standards. Staff is recommending the application be forwarded to the City Council for approval.

Commissioner Solomonson stated that it was his understanding that there would be shared parking between this development and Kowalski's, but the number of parking stalls is being reduced. Ms. Castle explained that a previous plan submitted identified 83 parking stalls, which greatly exceeds what is required. Kowalski's plan is 11 parking stalls short of what is required by the City. This plan, with 46 stalls is 14 stalls more than the 32 required which makes up for the number needed for Kowalski's. Proof of parking is not discussed with the plan, but there is certainly space for proof of parking if needed.

Commissioner Solomonson asked if additional parking could be required on the subject parcel, if Kowalski parking turns out to be short. There was to be shared parking, but now it looks to be separate. He also asked the number of employees in the commercial building. Ms. Castle stated that the Development Agreement would have to be reviewed to see how parking was addressed.

Commissioner Thompson stated that residents do not understand why a restaurant could not be developed on this site and asked for further explanation from staff. Ms. Castle responded that the City put in a lot of effort to attract a key grocer. The decision for this site is market driven. Commissioner Thompson asked if the City could zone an area exclusively for restaurants. Ms. Castle answered that commercial areas need to be vibrant so there needs to be options to attract a number of different people to the City.

Commissioner Wolfe expressed concern about traffic patterns and volumes and asked about STOP signs within the site. Ms. Castle showed the three STOP sign locations on a site map.

Commissioner Doan noted that traffic can turn left into the site, but when coming out of the site onto Highway 96, cars can only turn right.

Commissioner Solomonson asked if the monument sign will block visibility for traffic coming into the site from the south. Ms. Castle stated that the monument sign location has been approved by the City and is setback from Highway 96.

Chair Doan opened the discussion to comments from the public.

Mr. Tom Ryan, Oppidan Investment Company, Representative for the Applicant, stated that there is a shared parking agreement. As to the number of employees, there will be 8 in the bank and 15 in the insurance company.

Mr. Bob Wyant, 4785 Hodgson Road, stated that he thought residents were promised a restaurant at this location. He requested North American Bank to abandon their plans to build a bank for the following reasons: 1) the Dodd Frank banking rules cover 22,000 pages. The Minneapolis Fed concluded that adding just two compliance officers would make one-third of community banks unprofitable. 2) A major Shoreview employer, Ally Financial, believes branch banking is unnecessary and obsolete. 3) There are 22 full banking institutions within five miles of his homes. 4) Six financial institutions in the same area have closed in recent years, including Guarantee Bank that was in the Rainbow Store site. 5) The proposed bank has locations in Roseville, Hastings, Woodbury and Minneapolis. This part of the metro area is adequately serviced. 6) The bank needs to be competitive. Loan rates at this bank are higher than the metro

area average. Savings rates are lower. 7) The recent community survey showed 32 percent of respondents expressing a need for a restaurant. No one identified a need for a bank. 8) There is an online petition has over 700 people objecting to this proposal which is unprecedented.

Ms. Michelle Kim, 647 Evergreen Circle, stated that there are at least 80 children on any given Saturday participating in games at Chippewa Middle School. The school also rents out space for other academics. There is not enough time during breaks to find a restaurant to eat and the number of people looking for a place to eat makes it very hard. This area is a black hole for finding a place to eat, and she does not understand why one cannot be attracted here. Residents are being sent out of the City to find a restaurant. While a bank may be an appropriate use, it is not the best use for the area or the residents.

Commissioners expressed their concern and frustration that a restaurant cannot be provided, but noted that the City has made every effort to locate a restaurant on this site.

Commissioner Solomonson stated that his biggest concern is shared parking. If there is a shared agreement, there would only be about 10 stalls available. The site is land locked so there is nowhere else to go. He would like to know if this impacts Kowalski's and if Kowalski's agrees with what is presented. Ms. Castle stated that Kowalski's has reviewed the proposed plan and expressed that they are very comfortable with the parking provided.

Commissioner Peterson stated that he, too, questioned branch banking needs. He found there is a market for new banks and will support the proposal. He likes the larger entry/exit onto the site and would be concerned about safety if there were parking close to the entrance.

Commissioner McCool stated that he has some concerns but appreciates that there is proof of parking shown.

Chair Doan stated that the Planning Commission can only address the proposal presented, even though a restaurant is preferred. He asked the intent of possible conversion of the building in the future if one or both businesses were to vacate. **Mr. Ryan** stated that with the unfortunate occurrence of one or both businesses leaving, the building could be converted to a restaurant. Chair Doan asked if Oppidan intends to manage and own the building. **Mr. Ryan** stated that Oppidan is a consulting developer. Sidal is the developer.

Commissioner Wolfe noted that with the number of seniors moving into the community, there will be a need for banking services. The flip side could be that if there are not enough deposit accounts, the bank will go out of business. At this time it is better to have development than a vacant parcel.

MOTION: by Commissioner McCool, seconded by Commissioner Solomonson to recommend the City Council approve the Site and Building Plan Review and Comprehensive Sign Plan submitted by Sidal Realty/NABC for 4XX Highway 96. Said approval is subject to the following eight conditions for the Site and Building Plan Review with modification to condition No. 3 that would add a second sentence to read, "The Development Agreement will identify proof of

parking areas for establishment of future parking if necessary.” The motion is also subject to the three conditions for the Comprehensive Sign plan and the four Findings of Fact as listed in the motion sheet.

Site and Building Plan Review

1. This approval permits the development of this parcel with a multi-tenant commercial building as identified in the plan submittal.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. The items identified in the memo from the City Engineer must be addressed prior to the issuance of a building permit.
5. The exterior of the trash enclosure shall be of a material that compliments the commercial building.
6. Prior to submittal of the Building Permit application, the applicant shall revise the landscape plan to include additional plantings along the west side of the parking lot and in the landscape islands.
7. A permit shall be obtained from the Ramsey Washington Metro Watershed District, if required, prior to the issuance of a building permit for this project.
8. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

Comprehensive Sign Plan

1. The signs on the property shall comply with the plans submitted for the Comprehensive Sign Plan application.
2. Signage shall be maintained in accordance with the City’s Sign Code.
3. The applicant shall obtain a sign permit prior to the installation of the new signs on the property.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated commercial land use in the Comprehensive Plan, the C1 zoning district and approved Planned Unit Development.
2. The redevelopment/re-use of the property for commercial is compatible with the adjoining land uses and will not have a significant adverse impact on surrounding properties.
3. The redevelopment/reuse of the property supports the City’s land use and economic development goals.
4. The Sign Plan includes signage that is attractive and compatible with the surrounding development.

VOTE: **Ayes - 6** **Nays - 0**

RESIDENTIAL DESIGN REVIEW / VARIANCE

FILE NO: 2617-16-16
APPLICANT: BEAU & MARY ORCHARD / MARK & KAY CHRISTOPHERSON
LOCATION: 400 EAST HORSESHOE DRIVE

Presentation by Senior Planner Rob Warwick

This application is to tear down and rebuild the home on this substandard riparian lot on Lake Owasso. The property is substandard with a 66-foot front width, which is less than the standard of 100 feet as measured at the front lot line, the OHW and at the building setback. The variance is to increase the maximum setback from the Ordinary High Water (OHW) of Lake Owasso and to reduce the rear (east) setback. The Commission approved variances for a similar project in 2010, but the project was not pursued.

The property is an L-shape with an area of 0.63 acre. It is developed with a two-story house and an 855 square foot attached garage with a gravel drive and parking area. There is also a small lakeside shed. The house and garage are oriented to Horseshoe Drive. The east or rear lot line abuts a private drive used by five lots to the east to access North Owasso Boulevard.

The proposal is to build a new two-story house with a foundation area of approximately 1300 square feet and a 3-car attached garage of 990 square feet. The house would be oriented to the lake. The proposed setbacks would be 166.4 feet from the OHW, 53-foot front setback, and a 16-foot setback from the rear lot line for a screen porch. The main house would be 28.1 feet from the rear lot line. The standard setback from the rear lot line is 30 feet. Therefore, variances are needed for the porch setback at 16.1 feet and the house setback at 28.1 feet. The garage is in compliance with the front setback of 43 feet plus or minus ten. The OHW setback is averaged from the setbacks at 376 North Owasso Boulevard and 406 Horseshoe Drive. The required setback is 67.45 feet plus or minus 10 feet. The variance is to increase the OHW setback to 166.4 feet. Architectural mass will be used with natural colors in brown. The proposal complies with the design standards, except for the OHW and rear setbacks.

The applicant states that the proposed house is located to have the least impact on adjoining lake lots. The L-shape makes it impractical to comply with both the front and OHW setback requirements.

Staff finds the proposal to be a reasonable use of the property. The new house and garage comply with design standards for substandard lake lots. Unique circumstances exist with the lot configuration and size relative to nearby riparian lots. Generally, the front and OHW setbacks are calculated from the same adjoining properties. In this case, the front setback is determined by 398 Horseshoe Drive, a non-riparian lot; and the OHW setback is determined by lots with different street orientations and differing lot depths. When viewed from the lake, the rear lot line appears to function as a side lot line which is common for lake lots in the City. This adds to the unique circumstances of the property. The proposed setbacks exceed the 10 feet required for a side setback from the adjacent parcel to the east.

The variances will not alter the character of the neighborhood. There are many houses that do not comply with required setbacks, and variances have often been approved to allow improvements. Practical difficulty exists with narrow lots platted with 50-foot widths and inconsistent lot configuration. The existing house has been on the property for more than 100 years and is set nearer the rear and further from the front and OHW than the house being proposed. Shoreland mitigation will consist of two practices: 1) architectural mass and 2) reducing impervious surface by 20%.

Notices were mailed to nearby property owners. Two comments were received. One is concerned with construction noise. The second requests removal of the shed by the lake due to its condition. No permit is required by Ramsey Washington Metro Watershed District. No comments were received from the DNR. The City Engineer has requests a detailed grading plan that shows how storm water runoff will be managed prior to issuance of any permits.

Commissioner Solomonson stated that this proposal is better than the one in 2010. He asked about removal of the shed. Mr. Warwick explained that the 2010 proposal would have built the house in the area of the shed, and it would have been removed for that reason. With the house further north, the applicants would like to keep the option of retaining the shed. Commissioner Solomonson asked about drainage issues to the east. Mr. Warwick stated that there is a drop off in topography to the east which staff will be monitoring closely regarding proper drainage.

Chair Doan opened the discussion to public comment.

Mr. Richard Katosky, 2570 North Grotto, Roseville, stated that he represents the Orchards. He stated the shed is not in poor repair, but the applicants would prefer to have the option of taking it down or not, rather than being required to remove it.

MOTION: by Commissioner Solomonson, seconded by Commissioner Thompson to adopt Resolution No. 16-44, approving the variances requested by Beau and Mary Orchard for the property located at 400 Horseshoe Drive East to increase the setback from the Ordinary High Water of Lake Owasso to 166.4 feet, and to reduce the setback from the rear (east) property to 16.1 feet for an enclosed porch and 28.1 feet for the main living area. This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The attached garage shall not exceed 992 square feet in size.
3. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.
4. One landmark trees will be removed. Two replacement trees are required.
5. A demolition permit is required prior to removal of the existing structures. Erosion and sediment control practices shall be implemented in accordance with City Code. Tree protection measures shall be installed prior to demolition.

6. A revised grading plan shall be submitted for City approval prior to issuance of a demolition permit. The grading plan shall detail practices for managing stormwater runoff demonstrating that adjoining properties will not be affected.
7. This approval will expire after one year if a building permit has not been issued and work commenced.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Housing and Land Use Chapters of the Comprehensive Plan.
2. The proposed house and attached garage represent a reasonable use of the property which is located in the R-1 Detached Residential District and Shoreland Overlay District..
3. Unique circumstances stem from the size and configuration of the property.
4. The new construction will not stand out among the existing residences in the area since they are a mix of new and older age, so the variance should not affect the essential character of the neighborhood.

Discussion:

Commissioner Solomonson stated that the shed was an issue in 2010 but not now. The applicants are aware of its condition and will take care of the matter.

Commissioner McCool agreed and stated that if the shed is in disrepair, he believes that with the amount of money the applicants will spend on a new house, they will take care of the shed.

VOTE: AYES - 6 NAYES - 0

SITE & BUILDING PLAN REVIEW

FILE NO: 2616-16-15
APPLICANT: STEPHEN LALIBERTE
LOCATION: 1080 WEST COUNTY ROAD E

Presentation by City Planner Kathleen Castle

The application is to remodel an existing commercial building in four phases consecutively:

1. A main floor addition of 1,613 square feet for a showroom/retail space on the north side and a 1,299 square foot loading dock addition on the south side.
2. A second floor addition on the north side for a lobby area and chair lift
3. Interior remodeling of existing space
4. Exterior site work with repaving the parking area and storm water management measures.

The property is 30,282 square feet with a two-story commercial building. The foundation area is 3,804 square feet. The building is used for retail and office use. Access is off County Road E, and there is an off-street parking lot with 40 stalls. The property is zoned C2, General Commercial.

The proposal complies with the policies of the Comprehensive Plan and standards of the Development Code. The parking lot will be replaced and will maintain a 6-foot setback from County Road E. One parking stall will be added to total 41. Ramsey County has indicated that low growing shrubs would be permitted along County Road for landscaping. Regarding storm water management, the plan shows a reduction of impervious surface coverage from 79.7% to 73.9%. Rain gardens will be planted along the east lot line. The exterior will blend in with the existing building.

Property owners within 350 feet were notified. Comments received are in support of the project. The Rice Creek Watershed District has stated that no permit is required. Ramsey County will require a permit for work within the right-of-way of County Road E. Staff finds the proposal to be consistent with the Comprehensive Plan and recommends the proposal be forwarded to the City Council with a recommendation for approval with the conditions listed in the motion.

Mr. Laliberte, Applicant, stated that he purchased the building in 2006. The economy is now growing and it is time to expand.

Chair Doan noted that blue spruce is prone to disease and asked if another type of tree is being considered. Ms. Castle responded that another type of evergreen will be used.

Commissioners expressed support for a good improvement to the property.

MOTION: by Commissioner Solomonson, seconded by Commissioner McCool to recommend the City Council approve the Site and Building Plan Review application submitted by Stephen Laliberte, 1080 County Road E, for the expansion and remodeling of the existing commercial building. Said approval is subject to the following:

1. This approval permits the development of the expansion of the commercial building as identified in the approved plans.
2. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. The items identified in the memo from the City Engineer must be addressed prior to the issuance of a building permit.
5. The applicant shall explore options for landscape screening along the north side of the parking lot.
6. Prior to the installation of any signs, a sign permit is required by the City. A free-standing sign must be setback a minimum of 5-feet from the road easement.
7. A permit from Ramsey County must be received for any work in the County Road E right-of-way.
8. The trash/recycling receptacle shall be contained in an enclosure that is designed with building materials that compliment the building.

9. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The existing and proposed land use is consistent with the designated commercial land use in the Comprehensive Plan.
2. The expansion of the commercial building for office and retail use is compatible with the adjoining land uses and will not have a significant adverse impact on surrounding properties.
3. The reinvestment in the property supports the City's land use and economic development goals.
4. The development plans comply with the standards of the C2, General Commercial District.

VOTE: **Ayes - 6** **Nays - 0**

MISCELLANEOUS

Chair Doan and Commissioner Ferrington will respectively attend the June 6, 2016 and June 20, 2016 City Council meetings.

In regard to the issue of bringing a sit-down restaurant to Shoreview, Chair Doan encouraged residents to become engaged in the City Comprehensive Planning process to express hopes and desires for the City.

ADJOURNMENT

MOTION: by Commissioner Thompson, seconded by Commissioner Peterson, to adjourn the meeting at 10:52 p.m.

VOTE: **Ayes - 6** **Nays - 0**

ATTEST:

Kathleen Castle
City Planner